



United States District Court
Southern District of New York

Alpha Capital Aktiengesellschaft,

Plaintiff,

vs.

Fellows Energy, Ltd.,

Defendant.

Stipulation of Dismissal
Without Prejudice

07 CV 3493 (CM)

It is hereby stipulated and agreed between the undersigned counsel for all the parties that the captioned matter is hereby dismissed, without prejudice, each party to bear its own costs. The Court shall retain jurisdiction in order to enforce the terms of the Settlement Agreement between the parties.

Dated: October ²⁴, 2007

Law Offices of Kenneth A. Zitter

By 

Kenneth A. Zitter, Esq.
Attorneys for Plaintiff
Alpha Capital Aktiengesellschaft
260 Madison Avenue - 18th Floor
New York, New York 10016
KAZ - 3195

Hutner Klarish LLP

By 

Eric Hutner, Esq.
Attorneys for Defendant
Fellows Energy, Ltd.
1359 Broadway - suite 2001
New York, New York 10018
EH - 6836

So Ordered:


U.S.D.J.

10-25-07